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Letter dated 15 June 2006 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached report from the United Kingdom of Great Britain and Northern Ireland submitted pursuant to resolution 1624 (2005) (see annex). I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Ellen Margrethe **Løj**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

06-39530 (E) 110706

Annex

Letter dated 2 May 2006 from the Deputy Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Chairman of the Counter-Terrorism Committee

In our statement at the Security Council open briefing by the three Chairs of the counter-terrorism Committees earlier this year, we expressed our desire to encourage other States to submit information by taking a proactive approach and voluntarily submitting information requested under Security Council resolution 1624 (2005).

I therefore have the honour, on behalf of my Government, to attach a report anticipating the Counter-Terrorism Committee's request for questions on the implementation of resolution 1624 (2005) (see enclosure).

The Government of the United Kingdom has been assessing the practical and legislative steps needed to build on the counter-terrorism measures that were already in place. The Government has worked continuously to ensure that it meets international standards on counter-terrorism and remains fully committed to the strengthening of international monitoring and enforcement of counter-terrorism measures.

(*Signed*) Adam **Thomson**
Ambassador
Deputy Permanent Representative

06-39330

Enclosure

Implementation of Security Council resolution 1624 (2005): report of the United Kingdom in response to the Counter-Terrorism Committee's questions

1.1 What measures does the United Kingdom have in place to prohibit by law and to prevent incitement to commit a terrorist act or acts? What further steps, if any, are under consideration?

Section 1 of the Terrorism Act 2006 makes it a criminal offence to publish a statement which directly or indirectly incites or encourages others to commit acts of terrorism or certain specified offences if, at the time, the defendant intends to encourage terrorism or a specified offence, or is reckless as to whether persons will be so encouraged. Indirect encouragement includes the glorification of terrorism or the specified offences, where it can reasonably be inferred that the conduct that is glorified should be emulated in existing circumstances. Such offences if they are committed through electronic means (including the internet) are included within the scope of the Act. Corporate bodies as well as natural persons can be guilty of the offence. It is also an offence at common law for a person to incite another to commit an offence. There is no need for the offence to be attempted or committed.

The Secretary of State for the Home Department has the power to exclude (i.e. prohibit from entering) or deport any foreign national from the United Kingdom. The Secretary of State may decide to exclude or deport any individual where he decides that their presence in the United Kingdom is unacceptable. This power is used where an individual is judged to pose a threat to national security, public order, the rule of law, or the UK's relations with a third country, although its use is not confined to those sorts of cases. The Secretary of State has also indicated an intention to exclude or deport individuals who have demonstrated specific unacceptable behaviour. Unacceptable behaviour would include using any means or medium to express views which: foment, justify or glorify terrorist violence in furtherance of particular beliefs; seek to provoke others to terrorist acts; foment other serious criminal activity or seek to provoke others to serious criminal acts; or foster hatred which might lead to inter-community violence in the United Kingdom. In exercising this power, the Secretary of State must act reasonably, proportionately and consistently.

Also see answer to 1.5 below.

1.2 What measures does the United Kingdom take to deny safe haven to any persons with respect to whom there is credible and relevant information giving serious reasons for considering that they have been guilty of incitement to commit a terrorist act or acts?

The 1951 Geneva Convention relating to the Status of Refugees excludes individuals from asylum where there are serious reasons for considering that they have committed crimes against peace, war crimes or crimes against humanity or serious non-political crimes outside the country of refuge; or where there are serious reasons for considering that they have been guilty of acts contrary to the purposes and principles of the United Nations. The United Kingdom has long used these exclusion clauses to deny asylum to terrorists.

Section 54 of the Immigration, Asylum and Nationality Act 2006 provides statutory backing to this long established practice. The section interprets Article 1F (c) of the Refugee Convention as it relates to acts of terrorism. It provides that "acts contrary to the purposes and principles of the United

Nations" shall be taken as including acts of committing, preparing or instigating terrorism together with acts of encouraging or inducing others to commit, prepare or instigate terrorism.

By virtue of section 17 of the Terrorism Act 2006, the United Kingdom courts have jurisdiction over acts that amount to the offence under section 1 of the Act (see 1.1 above), even if the act occurs outside the United Kingdom and regardless of the nationality of the person doing the act. Section 17 also confers jurisdiction on the United Kingdom courts in respect of acts outside the United Kingdom that amount to the offences of conspiracy to commit an offence under section 1, inciting such an offence, attempting such an offence and aiding, abetting, counselling or procuring such an offence. However, section 19 of the Terrorism Act 2006 requires the consent of the Director of Public Prosecutions to all prosecutions, and of the Attorney General in a case in which it appears that an offence has been committed for a purpose wholly or partly connected with the affairs of a country other than the United Kingdom.

The powers available to the Secretary of State for the Home Department to exclude or deport a person from the United Kingdom, described in 1.1 above, can be used to deny safe haven to those engaged in terrorism or terrorist-related activities.

1.3 **How does the United Kingdom cooperate with other States in strengthening the security of its international borders with a view to preventing those guilty of incitement to commit a terrorist act or acts from entering their territory, including by combating fraudulent travel documents and, to the extent attainable, by enhancing terrorist screening and passenger security procedures**?

Multilaterally the United Kingdom works through fora such as those established under the UN System, the EU, the G8 and the Council of Europe, to devise better processes and procedures and to determine best practice – these range from using passenger information provided by carriers to check names against our watchlist through to using Interpol's systems on lost and stolen passports, and those with outstanding arrest warrants. The United Kingdom's information systems are continually being enhanced.

Bilaterally, our police and Security and Intelligence Agencies work with their counterparts in other countries to ensure that those people who are of interest (but with no outstanding warrant) are identified as appropriate. The Serious Organised Crime Agency (SOCA) is responsible for liaison via Interpol National Central Bureaux.

Counter terrorism interventions at the United Kingdom's borders are executed by Ports Special Branch (Police), as supported by the other Border Agencies: the Immigration Service, UKVisas and HM Revenue and Customs. These interventions are based on the intelligence and direction provided by the United Kingdom's security services.

1.4 **What international efforts is the United Kingdom participating in or considering participating in/initiating in order to enhance dialogue and broaden understanding among civilizations in an effort to prevent the indiscriminate targeting of different religions and cultures?**

The United Kingdom is working with EU Member States and other international counterparts to counter radicalisation, through exchanging information, best practice and enhancing understanding of radicalisation and how it is being tackled within EU Member States and further afield. The United Kingdom is working with international counterparts to devise strategies to undermine the extremist

message overseas, and to improve understanding of British Islam in the Muslim World through a 'Projecting British Islam' programme. The United Kingdom is also supporting the work of foreign governments to tackle socioeconomic problems that can lead to radicalisation abroad.

The United Kingdom is also a member of the Forum on Islam - an intergovernmental panel involving community representatives. It is geared to comparing approaches and exchanging best practice on engaging Muslim communities.

A key achievement during the United Kingdom's presidency of the EU (Jul-Dec 2005), was the agreement of a European Union Strategy for combating radicalisation and recruitment to terrorism. This included a detailed Action Plan with almost 70 different actions both at the Member States' level and at the EU level (inside and outside the EU) to combat the structural (i.e. socio-economic), motivational (i.e. ideological) and facilitational (i.e. opportunities) factors of radicalisation and recruitment to terrorism.

The Austrian Presidency (Jan-Jun 2006) is currently taking forward this Action Plan as part of a wider EU Counter- terrorism strategy that is organised around a framework similar to CONTEST, the United Kingdom's CT strategy. An important element of this work is the development of an EU communications strategy, including a 'non-emotive lexicon'. The United Kingdom is working closely with the Austrian Presidency, other EU Member States and the European Commission to ensure that this strategy sets the right tone given the clear sensitivities and potential for misunderstanding. The strategy is intended to reject the association of any religion with terrorism, improve the understanding and sensitivities surrounding certain terms amongst Member States and the media, improve the quality of dialogue in the EU (between Member States, between Members States and their communities and between Member States and other communities outside the EU) when discussing terrorism and related issues and focus on the core values of the international community and challenges the message of violent extremism.

1.5 What steps is the United Kingdom taking to counter incitement of terrorist acts motivated by extremism and intolerance and to prevent subversion of educational, cultural and religious institutions by terrorists and their supporters?

Aside from a broad programme of legislation, the United Kingdom government is also working with faith communities to support and take forward a number of initiatives to reduce the number of individuals who are influenced to support violent extremism. Seven working groups, comprising of over 100 Muslim community leaders, were established after 7th July 2005 to examine issues being faced by the Muslim community and to develop proposals of what can be done at a community level to prevent extremism. The groups reported back in September 2005, making numerous proposals. These include:

i. A National Advisory Council of Imams and Mosques to advise mosques on how to prevent them being used by extremists and increase the cohesion and leadership skills of imams.

ii. A road show of influential scholars who are visiting communities to condemn violent extremism and engage in constructive debates about the role of Islam.

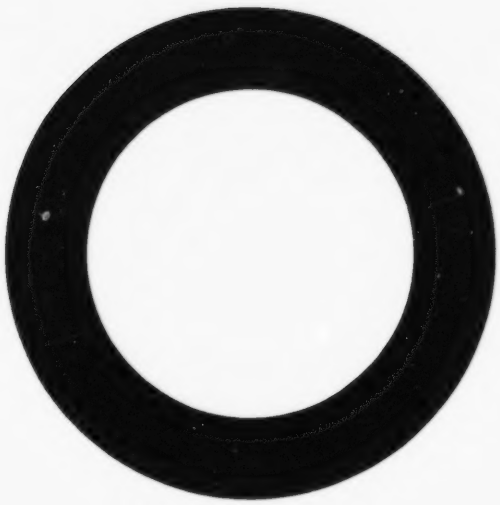
iii. Muslim Forums Against Extremism and Islamophobia to discuss issues relating to tackling Islamophobia and extremism, provide a safe space to share views and channel new ideas and ways of thinking on dealing with extremism.

Home Office Ministers visited 9 towns and cities over summer 2005 to allow local faith and community representatives to contribute to the work and to enable Ministers to gather views from local communities. Over 1000 members of the community attended the visits. A further programme of Ministerial visits to local Muslim communities is taking place in 2006.

Regular seminars on radicalisation within prisons have been convened to investigate the scale and nature of the problem and to devise a series of interventions and actions that can prevent prisoners from being attracted to or indoctrinated with extremist ideology. The Prison Service is also developing a resettlement strategy. The United Kingdom government is also engaging in a collaborative effort between government departments, the police and university Vice-Chancellors on issues surrounding tackling extremism on campus.

1.6 What is the United Kingdom doing to ensure that any measures taken to implement paragraphs 1, 2 and 3 of resolution 1624 (2005) comply with all of its obligations under international law, in particular international human rights law, refugee law, and humanitarian law?

The United Kingdom always seeks to abide by its international obligations. There are numerous guarantees in relation to fair treatment in criminal procedural law, notably the Police and Criminal Evidence Act 1984 and its associated Codes of Practice. Treatment must also meet the standards of the European Convention on Human Rights as implemented by the Human Rights Act 1998. Section 2 of the Asylum and Immigration Appeals Act 1993 provides that nothing in the Immigration Rules shall lay down provisions which would be contrary to the Refugee Convention 1951.



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Letter dated 15 June 2006 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached report from Thailand submitted pursuant to resolution 1624 (2005) (see annex). I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Ellen Margrethe **Løj**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

06-39575 (E) 030706

Annex

Letter dated 9 March 2006 from the Permanent Representative of Thailand to the United Nations addressed to the Chairman of the Counter-Terrorism Committee

I have the honour to refer to your note verbale dated 9 December 2005 requesting information on Thailand's efforts to implement Security Council resolution 1624 (2005) on additional measures to combat terrorism.

In this connection, I have the honour to transmit herewith the report from Thailand on the implementation of the provisions of resolution 1624 (2005) for the use of the Counter-Terrorism Committee (see enclosure).

(*Signed*) Khunying Laxanachantorn **Laohaphan**
Ambassador and Permanent Representative
of Thailand to the United Nations

06-39575

Enclosure

Implementation of resolution 1624 (2005)

Paragraph 1

1.1 What measures does Thailand have in place to prohibit by law and to prevent incitement to commit a terrorist act or acts? What further steps, if any, are under consideration?

- Thailand has taken the following measures in order to prohibit by law and to prevent incitement to commit a terrorist act or acts:

1. On 9 August 2003, the Thai Penal Code was amended to include new provisions criminalizing terrorist acts, including terrorist financing. Acts of terrorism are deemed as serious crimes as indicated in the Penal Code Article 135/1. Anyone who threatens to commit an offence; collects manpower or stockpiles weapons; provides or complies property; organizes, conspires abets or is aware of and conceals an act of terrorism, commits terrorist offences and is subject to penalties. In addition, anyone who is a member of a group and any organizations that have committed terrorist offences are also subject to penalties. The penalties for terrorist offences include the death penalty, life imprisonment, imprisonment and fines.

2. On 9 August 2003, the Anti-Money Laundering Act B.E. 2542 (1999) was amended in order to include terrorist offences under the Penal Code as predicate offences for money-laundering. Under the Anti-Money Laundering Act (AMILA), financial institutions and other professions involved in financial transactions are required to report: (1) cash transactions in excess of 2 million Bahts (approximately US$ 50,000); (2) property transactions in excess of 5 million Bahts (approximately US$ 125,000); and (3) suspicious transactions.

3. The Royal Thai Government issued the Emergency Decree on Government Administration in States of Emergency, B.E. 2548 (2005) on 16 July 2005 with the aim to restoring the security of the State, the safety of lives, and the safety of rights and liberties of the people. Upon a Declaration of States of Emergency, the Prime Minister shall have the following powers:

(i) to issue a Notification that a competent official shall have the power of arrest and detention over persons suspected of having a role in causing the emergency situation, or being an instigator, a propagator, a supporter of such act or concealing relevant information relating to the act which caused the emergency situation provided that this should be done to the extent that is necessary to prevent such person from committing an act or participating in the commission of any act which may cause a serious situation or to foster cooperation in the terminat. n of the serious situation;

(ii) to issue a Notification that a competent official shall have the power to summon any person to report to the competent official or to give an oral statement or submit any documents or evidence relating to the emergency situation;

(iii) to issue a Notification that a competent official shall have the power to seize or attach arms, goods, consumer products, chemical products or any other materials in the case where there are reasonable grounds to suspect that

such objects have been used or will be used to commit or support an act which causes an emergency situation;

(iv) to issue a Notification that a competent official shall have the power to issue a warrant for the search, removal, withdrawal or demolition of buildings, structures or obstructions as necessary for the exercise of functions in order to promptly terminate a serious situation where a delay might render the situation beyond control;

(v) to issue a Notification that a competent official shall have the power to issue an order to inspect letters, books, printed matters, telegraphic transmissions, telephone communications or any other means of communication as well as to cancel or suspend any contact or communication in order to prevent or terminate the serious incident provided that the rules prescribed in the law on special investigation are complied with mutatis mutandis;

(vi) to issue a Notification regarding the prohibition of any act or any instruction to perform an act to the extent that is necessary for maintaining the security of the State, the safety of the country or the safety of the people;

(vii) to issue a Notification that a competent official shall have the power to issue an order to prohibit any person from leaving the Kingdom where there are reasonable grounds to believe that the departure from the Kingdom will affect the security of the State or the safety of the country;

(viii) to issue a Notification that a competent official shall have the power to instruct an alien to leave the Kingdom in the case where there are reasonable grounds to believe that such person is a supporter in causing the emergency situation, provided that the law on immigration shall apply mutatis mutandis;

(ix) to issue a Notification that the purchase, sale use or possession of any arms, goods, medical products, consumer products, chemical products or any equipment which may be used for causing unrest or terrorism shall be reported to or permitted by the competent official or comply with any conditions set by the Prime Minister;

(x) to order the use of military force in order to assist administrative officials or police officers in terminating the serious situation or controlling the situation so as to promptly secure order, provided that the performance of functions by military officers shall be made pursuant to identical powers and duties of a competent official under this Emergency Decree, whereas the scope of the use of such powers and duties of the military shall be in accordance with the conditions and time condition prescribed by the Prime Minister but shall not exceed the powers under martial laws in the case where martial laws apply.

Under this decree, the Prime Minister can declare a State of Emergency for not more than 3 months in some area or all areas of the country, with the approval of the Cabinet. If necessary, the Prime Minister can extend the enforcement for another 3 months each time, with the Cabinet's approval.

1.2 What measures does Thailand take to deny safe haven to any persons with respect to whom there is credible and relevant information giving serious reasons for considering that they have been guilty of incitement to commit a terrorist act or acts?

- Thailand has been cooperating with the international community in preventing and combating terrorism and transnational crimes by increasing information-sharing and establishing systems for information-sharing. Moreover, Thailand has also increased its immigration security. The signing of the Thai-US Memorandum of Intent puts into motion the Personal Identification Secure Comparison and Evaluation System (PISCES), a programme of enhancing immigration measures that may serve as the nucleus of a nationwide Terrorist Interdiction Program Border Control System.

Thailand has legislation enabling it to cooperate with other States. These measures include the Act on Mutual Assistance in Criminal Matters (1992) and the Extradition Act (1929). In addition, Thailand has entered into bilateral treaties on mutual legal assistance and extradition.

Paragraph 2

1.3 How does Thailand cooperate with other States in strengthening the security of its international borders with a view to preventing those guilty of incitement to commit a terrorist act or acts from entering their territory, including by combating fraudulent travel documents and, to the extent attainable, by enhancing terrorist screening and passenger security procedures?

- Cooperation with neighbouring countries to increase border security:

– Thailand engaged in regular meetings with neighbouring countries in order to increase border security. The meetings take place at all levels such as Township Border Committee (TCB), Regional Border Committee (RBC) and General Border Committee (GBC).

- Legal measures to prevent falsified passports and travel documents:

– The Ministry of Justice has submitted the proposal to amend the Penal Code to the Cabinet. The proposal is currently under the consideration of the Officer of the Council of State. This proposal aims at: (1) clarifying the definition of the term "passport"; (2) increasing penalties for offences involving falsified passports and travel documents as offences under Article 8 of the Penal Code; and (3) indicating that penalties for offences involving falsified passports and travel documents will be more serious than offences involving falsification of other documents.

- Thailand has close cooperation with other countries. A "black list" and a "watch list" with names of individuals who may have connections with terrorist groups have been prepared. Moreover, all passengers have to go through a walk-through metal detector, hand-held metal detector and X-ray machine before boarding.

Paragraph 3

1.4 What international efforts is Thailand participating in or considering participating in or considering participating in/initiating in order to enhance dialogue and broaden understanding among civilizations in an effort to prevent the indiscriminate targeting of different religions and cultures?

- Thailand has pursued cultural exchange programmes with other countries, especially with ASEAN countries, to promote and broaden understanding of different cultures.

1.5 What steps is Thailand taking to counter incitement of terrorist acts motivated by extremism and intolerance and to prevent subversion of educational, cultural and religious institutions by terrorists and their supporters?

- Thailand is determined to condemn and fight terrorism of all forms. We believe in preventive measures in combating incitement of terrorist acts. Thailand tries to foster closer cooperation between the government and the general public to prevent terrorist acts motivated by extremism and intolerance and to prevent subversion of educational, cultural and religious institutions by terrorists and their supporters.

- On 16th January 2006, Prime Minister Thaksin Shinawatra, with the approval of the Cabinet, has established the Independent Commission on Justice and Civil Liberties in the Southern Border Provinces (ICJC). The Commission will seek to establish peace and reconciliation in the troubled South of Thailand.

Paragraph 4

1.6 What is Thailand doing to ensure that any measures taken to implement paragraphs 1, 2 and 3 of resolution 1624 (2005) comply with all its obligations under international law, in particular international human rights law, refugee law, and humanitarian law?

- Thailand assures that all measures taken to implement paragraphs 1, 2 and 3 of resolution 1624 (2005) comply with all its obligations under international law, in particular international human rights law, refugee law, and humanitarian law.